

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

W.E. AUBUCHON CO., INC., AUBUCHON)	
DISTRIBUTION, INC., W.E. AUBUCHON)	
CO. INC. EMPLOYEE MEDICAL)	C.A. No. 05-40159FDS
BENEFIT PLAN, and AUBUCHON)	
DISTRIBUTION, INC. EMPLOYEE)	
MEDICAL BENEFIT PLAN)	
Plaintiffs,)	
)	
v.)	
)	
)	
BENEFIRST, LLC,)	
Defendant.)	
)	

PLAINTIFFS' ASSENTED TO MOTION TO EXTEND DISCOVERY

Plaintiffs hereby move for a thirty (30) day extension of the Court's current schedule.

Defendant has assented to this Motion. The grounds in support of this Motion are as follows:

The current schedule required Defendant to produce additional documents by September 30, 2006, which would then provide Plaintiffs with thirty days to provide Answers to Interrogatories. Defendant indicated by e-mail on September 28, 2006 that the documents were ready to be copied and the copies were received by Plaintiffs on October 16, 2006. In addition, the parties learned that numerous computer records were no longer in the possession, custody or control of Defendant and had to be obtained from a third party, TriZetto, Inc. The parties have spent the past several weeks negotiating a Stipulation for the protection of confidential information with TriZetto. The Stipulation, which was executed last week, and the Deposition Subpoena have since gone out and it is expected that the materials will be received by the end of this week (October 27, 2006).

The current schedule provided Plaintiffs thirty days to answer the Interrogatories after receiving all of the remaining information. Plaintiffs believe they can still meet that deadline and

respond to the Interrogatories within thirty days of receipt of all of the remaining information.

However, because of the delay in obtaining the information the Responses to Interrogatories will not be ready until November 30, 2006. As a result of this short delay Plaintiffs request the remaining dates be postponed for the additional thirty days. As a result, Plaintiffs request that the new pretrial schedule be as follows:

1. Plaintiffs shall respond to Defendant's Interrogatories no later than November 30, 2006.
2. Non expert discovery shall be completed by February 3, 2007.
3. Plaintiffs' designation of expert witnesses and disclosures by March 2, 2007.
4. Defendant's designation of expert witnesses and disclosures by April 2, 2007.
5. Completion of all expert depositions by May 4, 2007.
6. Deadline for all dispositive motions by June 6, 2007.

WHEREFORE, Plaintiffs request that their Motion amending the Scheduling Order be allowed.

Respectfully submitted,

W.E. AUBUCHON CO., INC.,
AUBUCHON DISTRIBUTION, INC.,
W.E. AUBUCHON CO., INC.
EMPLOYEE MEDICAL BENEFIT PLAN, and
AUBUCHON DISTRIBUTION, INC. EMPLOYEE
MEDICAL BENEFIT PLAN,

By Their Attorneys,

/s/ Louis M. Ciavarra
Louis M. Ciavarra (BBO#546481)
Ryan T. Killman (BBO#654562)
Colleen E. Cushing (BBO# 663498)
Bowditch & Dewey, LLP
311 Main Street
P.O. Box 15156
Worcester, MA 01615-0156
Telephone: (508) 926-3408
Facsimile: (508) 929-3011

Dated: October 24, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 24, 2006.

/s/ Louis M. Ciavarra